

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SHANE K. HOPKINS,)
)
)
Plaintiff,)
)
)
v.) C.A. No. 05-870-SLR
)
)
JOHN PUSEY, JOSEPH SMITH,)
DAVID PIERCE, LISE MERSON,)
JUDITH MULLEN, DREWRY FENNELL,)
M. JANE BRADY)
)
Defendants.)

STATE DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME

COME NOW State Defendants Pusey and Smith, by and through undersigned counsel, and respectfully moves this Honorable Court to enter an Order granting an enlargement of time within which to file a response to Plaintiffs' Complaint. In support of this motion, Defendants offer the following:

1. On May 26, 2006, State Defendants filed their Answer to this Complaint as to Defendants Pusey and Smith. (D.I. 28). On June 7, 2006 State Defendants Merson, Pierce and the Delaware Attorney General filed a motion to dismiss with a Memorandum of Points and Authorities in support of their motion. (D.I. 31 and 32).
2. A scheduling order was entered on June 19, 2006. (D.I. 33).
3. Plaintiff filed his interrogatories and request for production of documents on September 18, 2006 (D.I. 43 and 45). Responses are expected by October 19, 2006.
4. Counsel for State defendants will be out of the office between September 22 and October 13, 2006.

5. There is no trial date scheduled in this case.
6. State defendants request and additional fifteen days to respond to Plaintiff's discovery requests, or until November 3, 2006.

WHEREFORE, for the reasons stated herein, Defendants respectfully requests that the Court grant their Motion for Enlargement of Time and enter an order in the form attached hereto, with the appropriate dates provided at the Court's discretion.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi
Deputy Attorney General
820 N. French Street, 6th floor
Wilmington, DE 19801
(302) 577-8400
lisa.barchi@state.de.us

Date: September 20, 2006

Attorney for State Defendants

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M. JANE BRADY)
)
Defendants.)

O R D E R

This _____ day of _____, 2006,

WHEREAS, Defendants having requested an enlargement of time of fifteen days in which to file an answer; and

WHEREAS, there being good cause shown for the granting of such motion;

IT IS HEREBY ORDERED, that State Defendant's Motion for Enlargement of Time be granted and said State Defendants shall file their responses to discovery on or before

_____.

J.

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Defendants.)

16.5 CERTIFICATE OF COUNSEL

In compliance with Local Rule of Civil Procedure 16.5, counsel for the Defendants making the request for enlargement of time to file a reply brief files this Certificate and states:

I certify that the State Defendants have been provided with copies of the Motion for
Enlargement of Time and that service has been sent by regular mail.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**
/s/ Lisa Barchi
Deputy Attorney General
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7.1.1 CERTIFICATE OF COUNSEL

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1, that:

1. The plaintiffs are an inmate incarcerated in the Delaware Correctional system, at the Delaware Correctional Center in Smyrna, Delaware.
2. Since the plaintiffs are not able to be reached by telephone, counsel for State Defendants has spent no time in attempting to reach an agreement on the subject of the motion for enlargement of time.
3. She assumes that the motion is opposed.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi
Deputy Attorney General
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(302) 577-8400
lisa.barchi@state.de.us

Date: September 20, 2006

Attorney for State Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2006, I electronically filed *State Defendants' Motion to Enlarge Time* with the Clerk of Court using CM/ECF, which will send notification of such filing to the following: John W. Shaw, Esquire, attorney for Defendants Mullen and Fennell. I hereby certify that on September 20, 2006, I have mailed by United States Postal Service, the document to the following non-registered participants:

Shane Hopkins
SBI # 253918
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi
Deputy Attorney General
Department of Justice
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